

United States Senate
WASHINGTON, DC 20510

July 31, 2020

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington DC 20510

The Honorable Charles Schumer
Democratic Leader
United States Senate
Washington DC 20510

Dear Leader McConnell and Leader Schumer:

As the Senate begins the process of negotiating and considering the next coronavirus pandemic relief package, we urge you to extend the provision authorizing federal agencies to reimburse federal contractors for providing paid leave, including sick leave, to employees and subcontractors until December 31, 2021. In addition, we request language requiring the Office of Federal Procurement Policy to issue common standards for calculating reimbursable expenses to correct the patchwork that has developed across the government.

As you know, Section 3610 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) authorizes agencies to modify the terms and conditions of a contract, or other agreement to reimburse at the minimum applicable contract billing rates any paid leave, including sick leave, a contractor provides to keep its employees or subcontractors in a ready state, including to protect the life and safety of government and contractor personnel. Maintaining industry's ready state ensures its resilience during this crisis and averts the costs and disruption of certain capabilities going dormant and needing to be reconstituted later. However, unless Congress takes action, Section 3610 will expire on September 30, 2020.

When Congress drafted the CARES Act, we had anticipated the pandemic would soon abate. That has not borne out, and we must prepare for a longer term struggle. Given the uncertainty of another legislative opportunity to amend the Section 3610 authority, we recommend providing maximal flexibility for its use and extending it until December 31, 2021. Congress can separately consider an appropriate amount to provide in appropriations to meet the demonstrated need to maintain critical government capabilities in a ready state.

Failure to provide an extension of Section 3610 may undermine agencies' ability to provide critical support to important government missions and operation needs during this time. Further, an extension of Section 3610 authorities would provide continued support for federal contractors, many of whom have security clearances, their families, and their employers, who would undoubtedly face the real threat of furloughs and layoffs. To that end, we believe it is necessary to provide certainty to members of the contractor community who are working to support and maintain agency operations and, in some cases, critical national security missions during this unprecedented public health crisis.

Thank you for your consideration, and we look forward to working with you on this and other matters related to the federal government's response to the coronavirus pandemic.

Sincerely,



Mark R. Warner
United States Senator



Tim Kaine
United States Senator



Benjamin L. Cardin
United States Senator



Chris Van Hollen
United States Senator